



South Carolina House of Representatives

Legislative Update

James H. “Jay” Lucas, Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **S.1258**, legislation addressing **ROAD FUNDING AND DEPARTMENT OF TRANSPORTATION RESTRUCTURING**, and enrolled the bill for ratification. The legislation allows for an estimated total of up to \$4.5 billion to be devoted to the state's roads over the next ten years. This includes: \$950 million to repair or replace all structurally-deficient bridges on Interstate and national highways; \$2 billion in widenings and improvements to existing Interstates; and, over \$1.4 billion in pavement resurfacing. The legislation transfers motor vehicle sales tax revenue and the revenue from various Department of Motor Vehicles fines and fees to the Department of Transportation's State Highway Fund. Transferred funds may be used for the issuance of bonds through the South Carolina Transportation Infrastructure Bank. The Infrastructure Bank projects that are financed utilizing these transferred funds do not require a local match. The legislation's revenue revisions also allow for existing Department of Transportation funds to be redirected. Under the legislation, the Department of Transportation is charged with developing and implementing a needs-based weighting methodology to allocate funding within the state funded road resurfacing program, which must include consideration on a county-by-county basis, to ensure that each county in the state is guaranteed funding. The legislation includes a restructuring of the Commission overseeing the South Carolina Department of Transportation that retains the commission's geographical representation, but provides that legislators would no longer elect commissioners and that all commissioners would, instead, be appointed by the Governor, upon the advice and consent of the Senate. The Governor's transportation district appointees are submitted to the Senate and the House of Representatives for approval by the appropriate delegation of legislators residing in the corresponding congressional district. If approved, appointees are referred to the Joint Transportation Review Committee to ensure that they meet the qualifications for the office. The Governor's at-large appointee is submitted directly to the Joint Transportation Review Committee for screening. Commission members may be removed from office at the discretion of the Governor subject to the prior approval of the appropriate legislative delegation. Terms of service are limited to a maximum of twelve years. Under restructuring, the DOT Commission assumes the responsibility of appointing the Secretary of Transportation, upon the advice and consent of the Senate. In order to afford the chief internal auditor of the Department of Transportation greater independence, the legislation provides for the department's chief internal auditor to be appointed and overseen by the State Auditor rather than the DOT Commission. The legislation also provides for revisions to the South Carolina Transportation Infrastructure Bank. Before providing a loan or other financial assistance, the Board of Directors that oversees the Infrastructure Bank must, under the legislation, submit its decision to the Department of Transportation Commission for its consideration. The DOT Commission can, in turn, approve or reject the decision or request additional information from the bank's board of directors. The Infrastructure Bank's policy of following the SC Department of Transportation's project priority criteria is established as a statutory requirement. The General Assembly may, however, enact a joint resolution specifically allowing the bank to fund a project without using DOT's prioritization criteria. The minimum project amount set in Transportation Infrastructure Bank requirements is lowered from \$100 million to \$25 million. This threshold is lowered to allow more areas to be able to afford local match requirements

and take advantage of the bank's bonding capabilities for financing their transportation projects.

The House and Senate adopted conference committee reports and enrolled for ratification **H.5001**, the General Appropriation Bill, and **H.5002**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the \$7.5 billion **FISCAL YEAR 2016-2017 STATE GOVERNMENT BUDGET**. \$84 million in Department of Motor Vehicles fees and fines and \$131 million in motor vehicle sales tax revenue is transferred to the State Highway Fund. \$50 million in nonrecurring funds is distributed among the County Transportation Committees to use for resurfacing, reconstructing, and repairing roads and bridges in the state-owned secondary road system. \$49 million is allocated to the Department of Transportation to address road repair costs from the October 2015 flood damage. \$72 million in nonrecurring funds is allocated to the Adjutant General's Emergency Management Division as the full state and local match for Federal Emergency Management Agency (FEMA) funds for the 2015 catastrophic flood response. The budget legislation accommodates the \$40 million appropriation from the 2014-2015 Contingency Reserve Fund for the "South Carolina Farm Aid Fund" that is created to assist farmers who suffered extensive damage in the October 2015 floods. \$30 million is provided for coastal beach renourishment. For K-12 public education, \$218 million is used to increase the base student cost by \$130 to arrive at an estimated \$2,350 per pupil. The budget legislation makes provisions for a 2% teacher salary increase and a one year step increase for teacher salaries and an increase in the state salary schedule to 23 years. The K-12 technology initiative is afforded \$29.3 million in Education Lottery proceeds. The State Department of Education is provided \$18 million in Education Lottery proceeds for instructional materials. \$23 million, including \$2 million in nonrecurring funds, is provided for new school buses. The budget includes \$28 million in recurring increases for the state's colleges and universities, a 5.5% increase on average. \$10 million is provided for the Children's Hospital at MUSC. \$13.5 million in nonrecurring funds is devoted to worker training through the Ready SC Program at the state's technical colleges. A 3.25% state employee pay increase is provided with \$54.3 million in recurring funds. \$26 million is included to cover the increased costs of operating the state's health and dental insurance plans with no increases in the premiums paid by employees and no reductions in coverage. The Local Government Fund receives \$12.5 million in recurring dollars and \$10.6 million in nonrecurring dollars for total funding of \$233.1 million. \$5 million is provided for a Rural Health Initiative partnership between DHHS and the USC School of Medicine to enhance the recruitment of physicians to practice in underserved areas and to improve access to life-saving emergency room care in the wake of rural hospital closures. Telemedicine is afforded \$10 million through the Healthy Outcomes provisions and \$2 million in recurring funds. \$2.8 million is allocated to the Rural Infrastructure Fund that is used to provide grants for water and sewer projects that facilitate economic development in rural areas. \$8 million is included for a new Statewide Water and Sewer Fund that allows areas that do not meet the criteria for being considered rural to obtain grants for sewer and water projects that are needed to support economic development. \$17 million is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. The Department of Commerce is afforded \$6 million for the Locate SC Site Inventory for potential business relocation prospects and \$2 million for the Office of Innovation to support high-tech and high-growth industries.

The House approved **S.484**, a bill providing for **K-12 PUBLIC SCHOOL MEAL COMPLIANCE WITH FEDERAL NUTRITION REQUIREMENTS**, and enrolled the bill

for ratification. The legislation makes provisions for all school food service meals and competitive foods provided in kindergarten through twelfth grade during the academic school year to meet or exceed the nutritional requirements established by the United States Department of Agriculture Food and Nutrition Service. School fundraisers are exempted from the requirements.

The House concurred in Senate amendments to **H.5021**, the “**ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT**”, and enrolled the bill for ratification. The legislation establishes procedures and policies through which adult students who are eligible for special education under the federal Individuals with Disabilities Education Act may delegate authority over their educational program to agents or representatives. Under this bill, an adult student who is eligible for special education under IDEA and who is not determined to be incapacitated in probate court can delegate his or her right to make educational decisions to an agent or representative on a form prescribed by the Department of Education. An adult student under IDEA who has not been determined to be incapacitated, but may be identified (by certain medical professionals) as unable to provide informed consent may have an educational representative designated.

The House approved **S.1262** and enrolled the bill for ratification. The legislation makes provisions for charter schools designated as **ALTERNATIVE EDUCATION CAMPUSES** with an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services.

The House concurred in Senate amendments to **H.4554**, the “**SOUTH CAROLINA ANTI-MONEY LAUNDERING ACT**” which establishes new provisions for the regulation and oversight of money transmission services, and enrolled the bill for ratification. The legislation is offered as a means of rectifying South Carolina’s status as the only U.S. state lacking comprehensive regulatory authority over money transfers which has made the state a center for money laundering activities that facilitate organized criminal enterprises and terrorist activities. The legislation establishes new requirements for the licensure and regulation of money transmission and currency exchange services with the South Carolina Attorney General. Record keeping requirements are imposed on licensees and the Attorney General’s Office is afforded authority to review records and conduct investigations. Penalties are established for violations including felony criminal penalties for falsifying records and engaging in illicit money transfers involving larger dollar amounts. The jurisdiction of the state grand jury is expanded to include South Carolina Anti-Money Laundering Act violations.

The House concurred in Senate amendments to **H.4521**, the “**TUCKER HIPPS TRANSPARENCY ACT**”, legislation named in memory of the Clemson University student who died during a fraternity activity on September 22, 2014, and enrolled the bill for ratification. The legislation requires the state’s public institutions of higher education, excluding technical colleges, to maintain a report detailing student misconduct investigations related to fraternity and sorority organizations formally affiliated with the institution. These reports are specifically required to include a violation of a Student Code of Conduct for offenses involving alcohol, drugs, sexual assault, physical assault, and hazing. Each public institution of higher learning must provide the required reports on its Internet website in a prominent location and must also furnish a printed notice of the nature and availability of this report and the website address where it can be found to

those who attend student orientation. Deadlines are established for compiling the required reports and updating them in a timely manner. A sunset provision is included so that the legislation is set to expire in three years unless reauthorized by the General Assembly.

The House concurred in Senate amendments to **S.1166**, a joint resolution **ADDRESSING DEBT AND ACADEMIC ACCREDITATION ISSUES AT SOUTH CAROLINA STATE UNIVERSITY**, and enrolled the legislation for ratification. The legislation makes provisions for the forgiveness of \$12 million in state loans disbursed to South Carolina State University over the course of three years if the university meets specified benchmarks such as maintaining academic accreditation, achieving progress towards a balanced budget and positive net financial position, and meeting student enrollment growth goals. A revised repayment schedule is provided for the \$6 million state loan to SC State that was approved by the Budget and Control Board. The authority for instituting cost-saving mandatory employee furlough programs at the university is extended through Fiscal Year 2021-2022.

The House concurred in Senate amendments to **H.4387**, a bill **PROHIBITING LAW ENFORCEMENT AGENCIES FROM REQUIRING OFFICERS TO MEET A QUOTA FOR THE NUMBER OF CITATIONS ISSUED**, and enrolled the legislation for ratification. The legislation provides that law enforcement agencies, departments, or divisions, including municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws, may not require their law enforcement officers to issue a specific amount or meet a quota for the number of citations issued during a designated period of time. Law enforcement officers' job performance reviews may be based on their points of contact that involve their interaction with citizens and businesses and participation in community-oriented initiatives. An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of these provisions is protected by the state's "Whistle Blower Act".

The House concurred in Senate amendments to **H.4878** and enrolled the bill for ratification. The legislation establishes **CONFIDENTIALITY PROVISIONS FOR COMMUNICATIONS WITH LAW ENFORCEMENT PEER-SUPPORT TEAMS**, made up of such personnel as chaplains, mental health professionals, and public safety peers, which provide emotional and moral support to public safety employees and their immediate family members following critical incidents.

The House concurred in Senate amendments to **H.3147** and enrolled the bill for ratification. The legislation provides for a **SOUTH CAROLINA INDIVIDUAL INCOME TAX DEDUCTION FOR MILITARY RETIREMENT BENEFITS** in an amount of up to thirty thousand dollars each year for those who are at least sixty-five years old and up to seventeen thousand five hundred dollars each year for younger taxpayers. A surviving spouse receiving military retirement income is eligible for the deductions. The deductions are gradually phased in under a five-year schedule so that maximum deductions for military retirement benefits are provided by 2020. The legislation also includes provisions for unused textile mill site rehabilitation tax credits to be carried forward.

The House concurred in Senate amendments to **S.777**, a bill addressing **VETERANS BENEFITS PROTECTIVE ORDERS**, and enrolled the legislation for ratification. The

legislation establishes procedures governing instances when federal law or regulation requires the Department of Veterans Affairs to appoint a conservator before veterans benefits may be dispersed in a probate court proceeding.

The House approved **S.1028** and enrolled the bill for ratification. The legislation creates the **SOUTH CAROLINA VETERANS AND WARRIORS TO AGRICULTURE PROGRAM** within the South Carolina Department of Agriculture to integrate veterans into the field of agriculture and support veterans currently working in agriculture. The Department of Agriculture, the Division of Veterans' Affairs, the Adjutant General, Clemson University, South Carolina State University, and any other institution of higher learning that offers agricultural programs shall work in conjunction to recruit and train eligible veterans, and develop and support the program. The State Treasury has a separate and distinct fund known as the 'South Carolina Veterans and Warriors to Agriculture Program and Fund'. The fund shall consist of gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively to pay costs, fees, and expenses necessary to administer the program.

The House concurred in Senate amendments to **H.5193**, a bill **ENHANCING THE "SOUTH CAROLINA OVERDOSE PREVENTION ACT"** by making provisions for more expansive dispensation of opioid antidotes to individuals who may be at risk of an opioid drug overdose, and enrolled the bill for ratification. The legislation also provides for a **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL STUDY OF THE USE OF MARIJUANA IN THE TREATMENT OF POST-TRAUMATIC STRESS DISORDER IN VETERANS**. DHEC is directed to study: (1) the possibility that a person experiencing an opioid-related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs' physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.

The House concurred in Senate amendments to **H.4145** and enrolled the bill for ratification. The legislation creates a **COORDINATING COUNCIL OF WORKFORCE DEVELOPMENT** to develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the state's current and emerging workforce to meet the needs of the state's economy and to make recommendations on policy changes to the General Assembly. The coordinating council is required to submit an annual progress report to the Governor and the General Assembly.

The House concurred in Senate amendments to **H.4542**, **"THE RIGHT TO TRY ACT"**, and enrolled the bill for ratification. The legislation provides authorization for physicians to prescribe certain promising experimental treatments to terminally ill patients who have considered and exhausted all other treatment options currently approved by the United States Food and Drug Administration. The provisions apply only to an investigational drug, biological product, or device that has successfully completed Phase I of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration.

The House concurred in Senate amendments to **H.4773** and enrolled the bill for ratification. Designated as “**MARGY’S LAW**”, the legislation expands South Carolina’s Emergency Medical Services Do Not Resuscitate Order Act by including provisions for a **DO NOT RESUSCITATE BRACELET** that may be worn by someone with a terminal condition to signify to health care providers and EMS personnel that they are to withhold resuscitative treatment in keeping with a “do not resuscitate” order.

The House concurred in Senate amendments to **H.4327**, a revising provisions for **HOSPICE PROGRAMS**, and enrolled the legislation for ratification. The legislation revises provisions for hospice programs for terminally ill patients including provisions that allow parent hospice organizations to offer services at multiple locations. The legislation includes provisions designated as “Samuel’s Law” which creates a task force to study potential geographic limitations on the region for which a hospice may be licensed to serve. This task force shall consider the approach taken by other states and other industries where ensuring prompt timely service is of critical importance. In addition the task force must review patient safety and quality of care issues, including, but not limited to, hospice staffing, physician supervision of other licensed professionals, and the appropriate administration of medications in the hospice setting. The task force shall complete its review and submit its recommendation to the General Assembly no later than December 1, 2016. Upon submission of its recommendation, the task force is dissolved.

The House concurred in Senate amendments to **H.4262**, legislation revising **FAMILY CHILDCARE HOME** training and registration requirements, and enrolled the bill for ratification. The legislation increases minimum hours of training from two to ten for operators of family childcare homes, employees or contractors with operators of family childcare homes. The legislation incorporates these training requirements and provides for other revisions within the criteria that the Department of Social Services uses in determining whether to deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw a statement of registration. DSS shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved. The legislation provides that any person fifteen years of age or older who moves into the family childcare home after the initial application for registration is approved must also undergo the required criminal background reviews.

The House concurred in Senate amendments to **H.3952**, a bill **REVISING THE PROCESS FOR COMMITTING THE MENTALLY ILL TO MENTAL HEALTH FACILITIES**, and enrolled the legislation for ratification. The legislation adds to commitment provisions the category of the “gravely disabled” which is defined as person who, due to mental illness, lacks sufficient insight or capacity to make responsible decisions with respect to his treatment and because of this condition is likely to cause harm to himself through neglect, inability to care for himself, personal injury, or otherwise. The legislation includes a preference that emergency admissions of the mentally ill be conducted by plain clothes law enforcement officers that have had crisis intervention training and allows for the option of having someone transported to a facility, not by law enforcement officers, but by emergency medical technicians in an ambulance.

The House concurred in Senate amendments to **S.267**, a bill **SHORTENING THE LEGISLATIVE SESSION**, and enrolled the legislation for ratification. The legislation provides for the regular annual session of the General Assembly to adjourn for the year by the second Thursday in May rather than the current deadline of the first Thursday in June. In addition to the current provisions for extending a legislative session, the legislation provides that if a forecast reduction is submitted by the Board of Economic Advisors after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President Pro Tempore of the Senate.

The House approved **S.233**, the “**SOUTH CAROLINA PUBLIC PRAYER AND INVOCATION ACT**”, and enrolled the bill for ratification. The legislation makes revisions in keeping with particular court rulings to the statutory protocol governing the way in which a deliberative public body may invite religious leaders to offer voluntary public invocations at its meetings which are not to be used as opportunity to proselytize or advance any one, or to disparage any other faith or belief, or coerce participation by observers of the invocation.

The House approved **S.21**, a bill authorizing the **ISSUANCE OF DRIVER’S LICENSES TO WEARERS OF BIOPTIC TELESCOPIC LENSES**, and enrolled the bill for ratification. The legislation establishes provisions that allow for driver’s licenses to be issued to individuals diagnosed with low vision acuity who use bioptic telescopic lenses for vision assistance so long as those individuals satisfy specialized training requirements and other criteria. These licensed drivers who make use of bioptic telescopic lenses for vision enhancement are subject to certain restrictions such as driving only during daylight hours, no driving during adverse weather conditions that significantly reduce visibility, a maximum speed of fifty miles per hour, no driving on an interstate highway, and a prohibition on operating a motorcycle, moped, or motor scooter.

The House concurred in Senate amendments to **H.3440**, a bill making comprehensive statutory revisions regarding **MOPEDS**, and enrolled the legislation for ratification. The legislation establishes new requirements for registering and licensing mopeds with the Department of Motor Vehicles. New safety requirements are established for mopeds including requirements for moped operators and passengers to wear reflective vests at night. The legislation provides that it is unlawful for a person to operate a moped on the public roads in this state that have a speed limit of greater than fifty-five miles per hour. A moped, while traveling along a multi-lane highway, must be operated in the farthest right lane except when making a left turn. No person may operate a moped at a speed in excess of thirty-five miles an hour. As with motorcycles, a person under the age of twenty-one may not operate or ride upon a moped unless he wears a protective helmet. Mopeds are exempted from ignition interlock device requirements of DUI provisions. Those who sell mopeds are required to post signs that provide brief explanations of such matters as age restrictions, maximum speeds, and the definition of a moped. A moped seller is not required to obtain a motor vehicle dealer’s license. The legislation replaces the multiple, sometimes conflicting, definitions for mopeds currently found in statutes with a single new definition for mopeds and makes other revisions to allow for greater consistency in the way that the laws governing motor vehicles are applied to mopeds.

The House concurred in Senate amendments to **H.3710**, a bill providing for a **MULTIPLE LOT REAL PROPERTY TAX DISCOUNT EXTENSION**, and enrolled the

legislation for ratification. The legislation extends the multiple lot real property tax discount that has been provided to property developers to allow for an additional year of eligibility in certain circumstances so that it would apply for property tax years beginning after 2011 and before 2017.

The House returned **S.427**, a bill providing **TAX INCENTIVES**, to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. The legislation authorizes job tax credits for commercial aviation sector services relating to the repair, maintenance, and refurbishment of aircraft. The legislation establishes job tax credit eligibility provisions for agricultural packaging operations and for seasonal workers at agricultural packaging and agribusiness operations. The legislation provides a sales tax exemption for machines used in agricultural packaging operations. The legislation provides that, in awarding benefits for economic development projects, including awards from the Governor's Closing Fund, the Department of Commerce and the coordinating council must consider agricultural businesses. The Department of Commerce and the coordinating council must consider the number of jobs created, including full-time, part-time, and seasonal jobs, and the total investment made, including the cost of the real property

The House and Senate voted to override the Governor's veto on **H.5011** to allow the bill to become law. The legislation makes provisions for the **REIMPOSITION OF A LOCAL OPTION TOURISM DEVELOPMENT FEE** that allow for a municipality's use of a portion of the fee for tax relief to continue without interruption.

The House approved **S.227**, legislation to provide an extension on **FEES PAID TO REDEVELOPMENT AUTHORITIES FORMED TO COPE WITH MILITARY BASE CLOSURES** in the state from previous rounds of federal Base Realignment and Closure (BRAC), and enrolled the legislation for ratification. This bill revises provisions relating to the remission of redevelopment fees to a redevelopment authority, to extend the end date for remissions from January 1, 2017, to January 1, 2021. The redevelopment fee remitted in any fiscal year may not exceed the amount remitted in Fiscal Year 2014-2015.

The House concurred in Senate amendments to **H.3313**, a bill providing for **REAL PROPERTY TAX REVISIONS**, and enrolled the legislation for ratification. The legislation makes provisions for the portion of a parcel of real property changed from agricultural use for purposes of residential or commercial development that is designated on the recorded development plat of the parcel as 'green space for conservation' or 'open space' if it equals ten percent or more of the area included within the outermost boundaries of the residential or commercial development to be valued according to its new 'green space for conservation' or 'open space' use for purposes in calculating roll-back tax due on the parcel. The legislation provides that, after a parcel of real property has been sold or undergone another assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner-occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice. Under the legislation, these provisions that taxes and penalties assessed because of misclassification of real property remain the obligation of the property owner at the time of the misclassification rather than the responsibility of the buyer of the property would apply not only to property sales but also

to trust distributions and property settlements in divorces. The legislation provides that roll-back taxes must not be applied solely because the owner of the property fails to make written application for an agricultural assessment so long as the actual use of the property remains agricultural. If the property assessment is changed from agricultural or the property is assessed roll-back taxes, the owner may appeal, and if an appeal is made, the property must continue to be assessed as agricultural and the roll-back taxes may not be applied until the final appeal date. The legislation establishes a protocol authorizing a county to allow a taxpayer the option of receiving certain property tax bills and receipts in electronic form.

The House approved **S.932**, a bill providing a **DEADLINE EXTENSION FOR RECEIVING CERTAIN ARMED FORCES PROPERTY TAX ASSESSMENT RATIOS**, and enrolled the legislation for ratification. This bill revises provisions relating to property tax assessment ratios, so as to revise an application deadline for certain property owned by certain members of the armed forces.

The House concurred in Senate amendments to **H.5078**, a bill that makes revisions regarding **LOCALLY-IMPOSED SALES TAXES**. The legislation makes revisions in various local sales and use tax provisions, so as to define “general election” as the Tuesday following the first Monday in November in any year. The legislation revises provisions relating to the Capital Projects Sales Tax Act, so as to provide that the tax must terminate on April thirtieth of an odd- or even-numbered year. If the referendum on the question of imposing sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.

The House concurred in Senate amendments to **H.5034**, a bill making **CHARITABLE BINGO GAME REVISIONS**, and enrolled the legislation for ratification. The legislation requires the Department of Revenue to establish an informational charitable bingo webpage on its website to serve as a clearinghouse for information and access to the Bingo Tax Act and its implementation and regulation, including access to licensure information, the manner in which to file complaints, and clarification on issues the department finds in connection with violations of the Bingo Tax Act. The webpage must also include a process for submitting questions to the bingo division of the department. The department shall post official minutes of meetings, including committee responses to each bingo inquiry. The percentage of bingo revenues that is distributed to charity is increased from twenty-six percent to twenty-eight percent. The legislation provides for an increase in the funds that are sent to the Department of Parks, Recreation and Tourism by providing for at least \$2.5 million to be sent to the Parks and Recreation Development Fund. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions from one hundred dollars to two hundred dollars. The legislation redefines ‘building’ under the definitions of the Bingo Tax Act to provide that it is any structure used or intended for supporting or sheltering any use or occupancy designated by a separate address, provided the structure does not include any interior access to another area where bingo is played. Bingo provisions are revised to exclude certain raffles. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The Department of Revenue is afforded forty-five days, rather than the current thirty days, to approve or reject applications for a bingo license by nonprofit

organizations and promoters. The legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments.

The House concurred in Senate amendments to **H.3682**, the “**BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT**”, and enrolled the bill for ratification. The legislation responds to the activities of so-called patent trolls who make abusive assertions relating to intellectual property such as false accusations of patent rights infringement. Even when claims of infringement on intellectual property lack merit, those accused of patent infringement may be inclined to pay a license fee that is demanded rather than face the expense and uncertainty of defending the ownership of their intellectual property through litigation. The legislation establishes provisions making it unlawful to make a bad faith assertion of patent infringement. The legislation establishes criteria for determining which demands for payment of license fees or threats of litigation constitute bad faith assertions of patent infringement, and provides legal remedies for those targeted by such practices. The Attorney General is authorized to act upon violations. A sunset provision is included so that the legislation is set to expire as of July 1, 2021, unless reauthorized by the General Assembly.

The House receded from its amendments on **S.1015**, legislation establishing **CRIMES INVOLVING COUNTERFEIT OR NONFUNCTIONAL AIRBAGS** in motor vehicles, and the Senate enrolled the bill for ratification. The legislation provides that it is unlawful to knowingly and intentionally import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle, a counterfeit airbag, a nonfunctional airbag. Criminal provisions are also established to target sales and transfers of vehicles with these unlawful airbags and tampering with a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag. Penalties are established for violations.

The House concurred in Senate amendments to **H.5299** and enrolled the bill for ratification. The legislation establishes authority for **TRANSPORTING NECESSARY GOODS AND SERVICES TO DISASTER AREAS DURING CURFEWS**. The legislation revises the Governor's authority in times of emergency to make provisions for a certification process to authorize someone to enter a disaster area and operate during times when a curfew has been imposed in order to transport necessary commercial goods to the curfew area, assist in ensuring the availability of these needed goods, or to assist in restoring utility services.

The House returned **S.868** to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. The legislation makes provisions **DISALLOWING THE USE OF EMINENT DOMAIN POWERS BY PRIVATE, FOR-PROFIT PIPELINE COMPANIES**, including publicly traded for-profit companies, that are not defined as a public utility. A sunset provision is included so that these provisions are set to expire on June 30, 2019, unless the General Assembly makes other arrangements.

The House returned **S.1065** to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the joint resolution for ratification. The legislation creates a temporary **PETROLEUM PIPELINE STUDY COMMITTEE** which is charged with submitting a report to the General Assembly that sets

forth findings and recommendations regarding matters related to the presence of petroleum pipelines in South Carolina by June 30, 2017.

The House approved **S.139**, a bill providing **COASTAL ZONE** revisions, and enrolled the legislation for ratification. The legislation authorizes the use of certain techniques for protecting beach and dune critical areas under an emergency order and expands certain exceptions on construction or reconstruction. The legislation revises provisions governing the forty-year policy of retreat from development of the shoreline to include provisions such that the established baseline that parallels the shoreline for each standard erosion zone and each inlet erosion zone must not move seaward from its position on December 31, 2017.

The House returned **S.667** to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. This legislation makes provisions relating to the **CLARIFICATION OF THE BOUNDARY BETWEEN SOUTH CAROLINA AND NORTH CAROLINA**.

The House concurred in Senate amendments to **H.3999**, a bill **REVISING PROVISIONS FOR THOSE WHO MAY MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO ARE UNABLE TO PROVIDE CONSENT**. The legislation revises the prioritized list of those who are authorized to make health care decisions for patients who are unable to provide consent so as to give higher priority to adult children over parents, give higher priority to adult siblings over grandparents and adult grandchildren, and specify that a majority of relatives makes the decision when there are multiple relatives of equal priority. Documentation of efforts to locate a decision maker on the prioritized list must be recorded in the patient's medical record.

The House concurred in Senate amendments to **S.778**, the “**SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT**”, and enrolled the bill for ratification. The legislation sets out the duties and requirements for valid durable powers of attorney in South Carolina and establishes uniform definitions and procedures for signing these documents.

The House approved **S.908**, the “**SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT**”, and enrolled the bill for ratification. The legislation establishes procedures for how someone who is authorized to handle the affairs of a deceased or incapacitated individual obtains access to the individual's digital assets, such as e-mails and electronic records stored in online accounts.

The House concurred in Senate amendments to **H.4577** and enrolled the bill for ratification. The legislation provides for yearly aircraft property tax revenue in excess of two and one-half million to be credited to the **STATE AVIATION FUND** to support the maintenance and upkeep of airports. However, revenue in excess of five million dollars must be credited in equal amounts to the general fund and the State Aviation Fund.

The House approved **S.1036** and enrolled the bill for ratification. The legislation provides authority for the State Board of Dentistry to issue a new **RESTRICTED DENTAL AUXILIARY INSTRUCTOR'S LICENSE** to dentists licensed outside of the state who meet certain specified criteria. The legislation includes provisions for biennial renewal rather than annual renewal of a restricted instructor's license.

The House approved **S.1037** and enrolled the bill for ratification. The legislation expands the provisions physician licensure exemptions to include **TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THIS STATE FOR A TEAM TRAINING CAMP**.

The House approved **S.1064**, a bill **UPDATING WORKERS' COMPENSATION INSURANCE PROVISIONS**, and enrolled the legislation for ratification.

The House concurred in Senate amendments to **H.4931**, and enrolled the bill for ratification. The legislation increases the number of hours of education in **LICENSURE AND CONTINUING EDUCATION REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS**.

The House concurred in Senate amendments to **H.4090**, a bill revising requirements governing the operation of **PAWNBROKERS**, and enrolled the legislation for ratification. Offered as a comprehensive update of the provisions regulating pawnbrokers, the legislation includes among its revisions an increase in the maximum amount of a loan that a pawnbroker is allowed to make from \$2,000 to \$15,000.

The House concurred in Senate amendments to **H.5245** and enrolled the bill for ratification. The legislation provides authorization for a manufacturer, brewer, importer, or retailer to offer consumers **COUPONS AND REBATES FOR THE PURCHASE OF BEER**, including retailer instant redeemable coupons, mail-in rebates, and coupons and rebates offered or redeemed through any electronic means.

The House returned **S.980**, legislation making revisions relating to **VETERINARIANS**, to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. The legislation establishes new regulatory provisions governing animal shelters and emergency veterinarian clinics that provide veterinary services including a requirement for all shelters and emergency veterinarian clinics that provide veterinary services must register with the South Carolina Board of Veterinary Medical Examiners. The legislation provides that dispensing a prescription drug to the owner of an end-user for the treatment of a bodily injury or disease of an animal is unlawful unless the prescription is: (1) labeled with all information required by state and federal law; and (2) prescribed by a licensed veterinarian. The legislation provides for the South Carolina Board of Veterinary Medical Examiners to regulate the dispensing of these prescription drugs. The legislation requires a mobile veterinarian practice to provide information concerning the closest local emergency veterinary services facility to the mobile location. A mobile veterinarian practice affiliated with, operated by, or supported by a public or private nonprofit animal shelter is prohibited from operating within eyesight of the nearest privately owned veterinarian practice. The legislation includes provisions regarding the dispensation of proceeds derived from 'No More Homeless Pets' special motor vehicle license plates. The legislation creates a temporary Pet Care and Humane Treatment Study Committee to review, study, and make recommendations concerning the need for improved oversight and regulation in the state. The study committee shall make a report of its findings and recommendations to the General Assembly during the 2017 legislative session, at which time the study committee shall cease to exist.

The House concurred in Senate amendments to **H.3891**, a bill revising **MOTOR VEHICLE RENTAL COMPANY FEES** as a means of encouraging rental companies to

title and register their vehicle fleets in this state, and enrolled the legislation for ratification.

The House approved **S.1205**, a bill revising requirements for **SURETY BONDS FOR NATURAL RESOURCES ENFORCEMENT OFFICERS**, and enrolled the bill for ratification. The legislation makes provisions for every DNR officer to be covered by a surety bond of not less than two thousand dollars with premiums on the bonds paid by the department.

The House approved **S.1030**, a bill revising size and catch limits for the **AMERICAN EEL**, and enrolled the legislation for ratification. The legislation reduces the number from 50 to 25 of American eel (*Anguilla rostrata*) that may be taken each day by recreational fishermen. In addition the size of the American eel taken is increased from six inches to nine inches long.

The House concurred in Senate amendments to **H.5118**, a bill revising provisions governing the operation of golf carts along the state's highways by providing **AUTHORITY FOR CERTAIN COASTAL MUNICIPALITIES AND COUNTIES TO ADOPT ORDINANCES THAT ALLOW GOLF CARTS TO BE OPERATED AT NIGHT** if they are equipped with working headlights and rear lights. A sunset provision is included so that any ordinances approved are set to expire on January 1, 2021.

The House sustained the Governor's veto on **H.3849**, a bill establishing **CONFIDENTIALITY FOR TEACHER EVALUATION RECORDS**. The budget legislation includes a proviso that addresses the subject of the legislation for the upcoming fiscal year.

The House and Senate made appointments to a conference committee to address their differences on **H.3186**, legislation providing for **ETHICS ACT REVISIONS**.

The House and Senate made appointments to a conference committee to address their differences on **H.4763**, legislation designated as "**ALICIA'S LAW**" which creates an **INTERNET CRIMES AGAINST CHILDREN FUND** that is to be used to investigate, prosecute, and prevent Internet crimes against children, such as cyberenticement and child pornography.

The House and Senate made appointments to a conference committee to address their differences on **H.5140**, a bill that makes revisions relating to a school district's **ANNUAL SCHOOL CALENDAR** for teachers, staff, and students.

The House and Senate made appointments to a conference committee to address their differences on **H.4492**, a bill revising **NOTIFICATION REQUIREMENTS FOR DEPARTMENT OF SOCIAL SERVICES CHILD PLACEMENT HEARINGS**

The House and Senate made appointments to a conference committee to address their differences on **S.913**, pertaining to the **RELEASE OF LAW ENFORCEMENT DASHCAM VIDEO** and **ENHANCEMENTS TO THE FREEDOM OF INFORMATION ACT** provisions which guarantee citizens' access to government proceedings and public documents.

The House and Senate made appointments to a conference committee to address their differences on **H.4765**, a bill to provide for the **ADDITION OF A HABITAT FOR HUMANITY CHECK OFF ON INCOME TAX FORMS**.

The House and Senate made appointments to a conference committee to address their differences on **H.4391**, a bill **REVISING THE UNIFORM ANATOMICAL GIFT ACT TO ALLOW FOR THE DONATION OF BRAIN TISSUE** to be used only for research or education.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

S.1204 FULFILLMENT OF PHYSICAL EDUCATION REQUIREMENTS WITH MARCHING BAND INSTRUCTION Sen. Sheheen

This bill provides that in a public school that offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts, and which incorporates the South Carolina Academic Standards for Physical Education, this instruction may be considered to be the equivalent of physical education instruction, and may be accepted in lieu of physical education instruction for all purposes.

WAYS AND MEANS

H.5474 "SOUTH CAROLINA ACCESS TO HEALTH CARE ACT" Rep. W. J. McLeod

This bill enacts the "South Carolina Access to Health Care Act" to direct the state Department of Health and Human Services to design a health care coverage program comparable to the Arkansas Option, by accepting federal funds allowing appropriate uninsured persons to obtain private health insurance with premiums paid for by federal funds. The legislation provides that the program is contingent upon appropriate approvals of the program design by the United States Department of Health and Human Services, and further provides that the program is contingent upon specified levels of federal health care funding. The legislation provides that the state assumes no obligation to any private insurance carrier participating in the program other than the payment of premiums as allowed under the South Carolina Access to Health Care Act.

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